



Δ The California Indian Basketweavers Association Δ

P.O. Box 2397, Nevada City, CA 95959 (530) 478-5660 www.ciba.org

June 23, 2003

Joseph Hogue
Field and External Affairs Division
Office of Pesticide Programs
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Ré: EPA Docket No. OPP-2002-0231

Dear Sir,

On behalf of the California Indian Basketweavers Association, the following comments are submitted regarding the “Emergency Exemption Process Revisions Pilot and Request for Comment” published in the April 24, 2003 Federal Register. The California Indian Basketweavers Association has been organized since 1992 in order to promote and perpetuate the ancient traditional art of California Indian basketry. All of the materials used in traditional Indian baskets are obtained from nature. One of our concerns is the volume of pesticides that are applied to forests and fields. Toxic chemicals used in agriculture eventually work their way downstream into plant collection areas and drinking water supplies, where they threaten the health of humans and wildlife. Native people have observed a high incidence of diseased and deformed willows, oaks, and other native species in areas receiving high run-off from repeated exposure to herbicides. While the levels of exposure are not high enough to kill these plants outright, the value of these plants for cultural uses is destroyed, and the long term effects on their viability are largely unknown.

We are concerned about the health effects from multiple chemical exposures which we face from the high use of pesticides for farming and forestry. As there are no means to measure the cumulative effects of all these exposures, we advocate for a precautionary approach when it comes to regulation of pesticides. Thus we are very concerned about any attempt to increase the use of Section 18 in order to waive the regular registration process for chemicals, when so little is actually known about their effects in the environment. A lessening of the restriction on use of Section 18 is also contradictory to the goals of Integrated Pest Management.

In 1993, the U.S. Department of Agriculture in conjunction with the EPA endorsed the principle of Integrated Pest Management, or IPM, for one over-arching reason, cited in a 2001 report by the U.S. General Accounting Office:

“...pesticides are known or suspected to have adverse effects on human health and the environment—such as increased risks for cancer, neurological disorders, and endocrine and immune system dysfunction; impaired surface and ground water; and harm to fish

and wildlife...[the] original purpose of IPM [is] reducing chemical use.” (emphasis added).¹

The GAO report, commissioned by the United States Senate Committee on Agriculture, Nutrition, and Forestry, concluded that USDA had failed to meet its goal to reduce pesticide use in the nation. That goal was set in 1993 for implementation of IPM on 75% of the nation’s crop acreage by the year 2000, a goal that the agency claimed to have met. This claim was discredited in the GAO investigation due to the fact that “*total use* of agricultural pesticides, measured in pounds of active ingredient, has *actually increased* since the beginning of USDA’s IPM initiative” (emphasis added).

At the same time that pesticide use has gone up, so have cancers such as brain cancer and non-Hodgkin’s lymphoma, neurological disorders such as Parkinson’s disease and Lou Gehrig’s disease, reproductive disorders including declining sperm counts and fertility, and diseases of the immune system. Clearly, there is something flawed in the strategies used to promote reduced pesticide use on the part of the regulatory agencies. It is obvious that our nation and the world cannot afford to wait any longer to reduce the use of toxic pesticides in our food, forests, and water supplies.

Rather than looking for the means to increase the use of Section 18, a move that would only result in an increase in pesticide dependency, the EPA should use every means at its discretion to increase strong incentives for farmers, foresters, and other pesticide users to search for and adopt least toxic pest management methodologies. For example, the language used to describe the four criteria which must be met before EPA would approve an emergency exemption must be strengthened. Instead of using terms such as “When available, the applicant should...”, the language should read: “The applicant must...” Vague language such as “Management tactics might also include biological and ecological factors” should be replaced with the word “must” instead of “might also.” Documentation for the use of these non-chemical methods must be required.

The issue of pest resistance goes to the very heart and soul of why the National Academy of Sciences termed pesticide use in the nation the “pesticide treadmill” in 1996.² The use of toxic chemicals is a dead end, requiring the use of ever-more quantities of ever-more toxic chemicals to have the desired effect, while pests rapidly outstrip our ability to control them. Thus it is somewhat laughable that the proposed exemption is being proposed in the name of “Resistance Management.” Restoring the use of unregistered pesticides to use for “emergencies” in order to prevent a pest from becoming resistant to some other chemical, amounts to a short term fix exchanging one set of problems for another. The only answer to this problem is smarter farming, and that means moving away from the “bottom line” economic framework that fails to consider the true price of pesticide use in terms of environmental degradation and threats to human health, and the costs to society of mitigating both. Organic farming, the fastest and most lucrative trend in farming world-wide today, holds the solution, and pesticide regulations should work in ways to facilitate the farmer’s transition to organic methods.

¹ US General Accounting Office (GAO). 2001. *Agricultural Pesticides: Management Improvements Needed to Further Promote Integrated Pest Management*. Report to U.S. Senate Committee on Agriculture, Nutrition, and Forestry. GAO-01-815. Washington, D.C.

² National Research Council. 1996. *Ecologically Based Pest Management: New Solutions for a New Century*. National Academy of Sciences, Washington D.C.

A review of the docket for this proposal shows documentation that there have been steady increases in issuance of Section 18 exemption for “emergencies” already. We believe that such uses contravenes the intent of the Food Quality Protection Act of 1996. The FQPA by itself can do nothing to prevent damage to fragile and vulnerable young organisms, including our children and the unborn, as it was intended to do without a firm commitment from the EPA and USDA to implement the law, rather than to circumvent it.

Secretary of Agriculture Ann Venneman herself, in her written response to the GAO report referenced above stated: “[T]he IPM definition makes it very clear that *pesticide use should be the last resort*” (p. 27) (emphasis added). The term “last resort” means that every other means available to the farmer has been exhausted. Farmers addicted to the chemical treadmill cannot know the monetary, physical, and psychological benefits in store for them by diversifying their crops, building their soils to foster strong and resistant crops, and nurturing natural pest controls, as long as they are receiving mixed messages from the regulatory community. The EPA must stop catering to the pesticide manufacturing industry and must release itself from the lobbyist’s grip. The future health of generations yet to come depends upon it. We ask that the EPA tighten the use of the Section 18 emergency exemption in order to ensure its use only in very rare cases. We also ask that the pilot program be used only to provide enhanced, substantive incentives to farmers to seek out and utilize alternatives to pesticides for pest control.

Sincerely,

A handwritten signature in cursive script that reads "Vivian Parker".

Vivian Parker
Resource Policy Analyst & Biologist